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TERRORISTS ACROSS THE TABLE

by

Dexter F. Harrison, Major, USAF

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Instructor: Lt Col. Carol L. Atkinson

Maxwell Air Force Base, Alabama

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Abstract

The purpose of this essay is to consider the viability of the current US strategy to combat terror, the appropriateness of negotiating with absolute and contingent terrorist organizations, and the implications of negotiations in view of US National Security Policy. The 9/11 terrorists attacks prompted US lawmakers to reconsider the efficacy of US National Security Strategy. What ensued was a change in US National Security Strategy doctrine, which among other changes, outlined the United States' policy of not negotiating with terrorists. While current US policy clearly establishes the US's resolve not to have democracy encumbered or its' sovereignty questioned, some stipulate that the fruits of such a policy have yet to be produced. Increasing terrorist activity in Iraq, resurgent terrorist activity in Afghanistan, and Bin Laden's ability to elude capture and direct credible attacks, call into question the effectiveness of the US's stated policy of non-negotiation with terrorists.

Introduction

This essay will consider the viability of the current US Strategy to combat terror, the appropriateness of negotiating with absolute and contingent terrorist organizations, and the implications of negotiations in view of potential US National Security Policy changes. The attacks of 9/11 forever changed the US and the way in which the US public and policy makers view the amorphous construct of terrorism. The thought of terrorism in the minds of many Americans strikes an emotional chord which resonates deep within them. Memories of 9/11 often generate feelings of anger, fear, despair, hatred, and grief when painful thoughts of the devastation and horrific nature of the attack come to mind. After 9/11, US policy makers reassessed US National Security Strategy and imbued policies which rallied the nation's instruments of power, while also relying on its international allies to assist in the global war on terror (GWOT).[1] While the September, 2002, National Security Strategy clearly establishes the US's resolve not to have democracy encumbered or its sovereignty questioned, the fruits of its policies on the GWOT has yet to be produced. Increasing terrorist activity in Iraq, resurgent terrorist activity in Afghanistan, and Osama Bin Laden's ability to direct credible attacks, call into question the effectiveness of the US's stated policy of non-negotiation with terrorists.[2] This paper contends that establishing negotiations with terrorists may be a viable aspect of US National Security policy. However, such policies have been publicly dismissed as untenable, due in part to emotional restraints and political concerns of opening Pandora's Box.

The term negotiation is used in its broadest sense of communication, which encompasses arbitration and mediation. It is not meant to imply legalistic parameters which may be associated with contractual negotiations but rather a means of conceptualizing interactive parlance –

"bridging the gap", while analyzing the practical and theoretical impact of the negotiation process.

Notes
[1] George Bush, President of the United States, "The National Security Strategy of the United States," (The White House, 2002).
[2] W V. Ratasma, "Bringing Democracy to the World, the American Way," (Axisoflogic.com (Online): Axisoflogic.com, 2004).

What is terrorism?

To appreciate the complexities of US policies regarding terrorism, we must first delve into the essence of what is meant by terrorism. Ideally, it is only through defining the term "terrorism" via a set of parameters which includes the value set of all instances {n, n+1, n+2, etc...}, which describe an occurrence as a function of x, $f(x_n)$, in which x is the act which may been seen as terrorism, can we begin to understand and describe this phenomenon. And only then can an appropriate response be developed.[1] In learning what is meant by words, the term itself often is not completely definitive, but rather intrinsically defined by external examples and associations, as suggested above by the mathematical expression. As such, the descriptive definitions may vary as x_n varies and the cognitive references which describe terms will vary from persons to person or even culture to culture. In "Wittgenstein and Justice", the author suggests that meanings which are learned, are the results of cases, in much the same way as case law is derived from preceding decisions regarding a particular circumstance.[2] Precedence provides a basis from which to formulate definitions and precepts, which are abridgements that did not exist in advance of the situation. This implies that words or rules gain their true identity from the activity from which they were derived.[3] It follows that persons and states establish paradigms or models, by which to identify what action or set of occurrences qualifies to be associated with a particular term, such as terrorism. However, these paradigms are often not viewed through the same paradigmatic filters of culture, ideology, political interests, or beliefs. Thus, paradigms are often reinterpreted between persons, cultures, and states.[4] The result is that those who assign terms such as terrorism, often craft definitions or value sets which exclude themselves and their actions from the set of actions which describes the term.[5] In this way,

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terrorism is a pejorative term which refers to the terrorism against a state, and not the terrorism which states inflicts on others.[6] Therefore, the initial assertion of having a single set of parameters which includes the value set **of all** instances, is untenable. The all too familiar adage of *one man's terrorist is another man's freedom fighter*, is trite, but nevertheless appropriate.

These dynamics provide insight as to why international and intra-national diversity in paradigmatic filters obscures a common perspective and hampers development of a single definition for terrorism. The United Nations (UN) in 1973-74, was unsuccessful in determining a satisfactory political or common academic definition of terrorism; hence, a consensus could not be reached.[7] Even today, 20 years later, the UN still has not successfully garnered international support for an internationally accepted definition for terrorism.[8] However, in the interim, UN Security Council Resolution 1373 has defined terrorism as "violent or criminal acts designed to create a state of terror in the general public."[9] Terrorism seems to be implicitly understood, but lacks a common universal perspective.[10] Even within the United States, there is a disparity amongst governmental agencies as to how terrorism is defined. Currently, the Department of State, Intelligence Community, and Defense Department, each have different definitions.[11] In the absence of a universally accepted definition and acknowledging the complexities associated with assigning a definition, the following definition will provide the contextual basis for the use of the term, throughout the remainder of this paper. *Terrorism is defined as: the use of dramatic public violence primarily by, but not limited to, non-state actors, with the intent to influence the behavior of people or institutions beyond those immediately targeted or injured by the initiating act.*[12]

Notes

[1] Neil J. Smelser, "Terrorism: Perspectives from the Behavioral and Social Sciences," (Washington, D.C. National Academies Press, 2002).

Notes

[2] Fenichel Hanna, Pitkin, *Wittgenstein and Justice* (Berkeley, Los Angeles, and London: University of California Press, 1972).

[3] Ibid. p.51

[4] Ibid. p.54

[5] Smelser, "Terrorism: Perspectives from the Behavioral and Social Sciences."

[6] Isabelle (Institute of History Duyvesteyn, Dept. of History of International Relations, Utrecht Univ, The Netherlands), "How New Is the New Terrorism?" *Studies in Conflict and Terrorism* 27, no. 5 (2004).

[7] Bowyer J. Bell, *Transnational Terror* (Washington, D. C. and Stanford California: AEI-Hoover, 1975).

[8] Charles R. Costanzo, "Terrorism: Past and Present," (Air Command and Staff College).

[9] William Zartman, "Negotiating with Terrorist," *International Negotiation: Values, Structure/Process, Justice* 8, no. 3 (2003).

[10] Bell, *Transnational Terror*.

[11] Costanzo, "Terrorism: Past and Present."

[12] Victor A. (Editor) Kremenyuk, *International Negotiation: Analysis, Approaches, and Issues*, 2nd ed. (San Francisco, California: Jossey-Bass, 2002).

The current US National Strategy for Combating Terrorism

The 2002 National Security Strategy (NSS) and the February 2003 National Strategy for Combating Terrorism (NSCT) are two cornerstone documents which describe the US approach to the Global War On Terror, and more specifically, the US position regarding terrorists. The process by which these policies are developed should stem from a rational decision making process.[1] These processes permit decision makers the forum to develop strategies for employing scarce resources, to balance ends, ways, and means.[2] However, descriptive terms such as "evil" have made their way into the NSS and speeches such as President Bush's first term State of the Union Address.[3] /[4] This suggests that elements of emotion have precipitated into a process which should be objective and rational. The President's preface statement in the NSS suggests that "we must use every tool in our arsenal…" to defeat terrorism, and that the war against terror is of unlimited duration. Yet, we are not using every tool in our arsenal, as we have discounted the possible gains of negotiations, when implemented appropriately. In fact, the NSS goes so far as to suggest that the US will not engage in any form of parlance with terrorists.[5] This stance is in direct contradiction to using every tool in our arsenal. In essence, the US has engaged in an undertaking to fight the global war on terror for an unlimited duration, without using every tool at its disposal, and with no intention to provide a means of dialogue with those terrorists who could possibly be pursued to redirect their efforts.

The United State's strategy for combating terrorism includes the 4D Strategy (Defeat, Deny, Diminish, and Defend) concomitant with preemption. The "defeat' mechanism focuses on eliminating the threat of terrorists and their organizations through the use of US instruments of power, to include, diplomatic, economic, information, law enforcement, military, financial, and

intelligence means.[6]   The next step is to "deny" terrorists the sponsorship and support needed to

establish terrorist sanctuaries in potentially fertile regions of the world. The goal is to prevent,

equipment, training, and unhampered transit. This is accomplished in conjunction with like

minded countries and organizations.[7]   Diminish implies "…diminish[ing] conditions that

terrorists exploit", such as an underdeveloped country's underlying condition of poverty or

organized crime.[8] Finally, "defend" refers to the national "… collective efforts to defend US

sovereignty, territory, and its national interests, at home and abroad."[9] This includes preemptive

strikes against terrorists in order to safeguard the US people and homeland.[10] The 4D Strategy is

overlaid and applied to the US's view of the "Structure of Terror". This structure, depicted via a

pyramid, represents the paradigmatic filter through which US policy makers view terrorist

organizations and their actions.

The National Security Strategy for Combating Terrorism, depicts "The Structure of Terror"

diagram which uses a variation of Schein's pyramid (Appendix, Figure 1.), to identify five levels

of the terrorist organization, (Appendix, Figure 2.).[11] Beginning at the base of the pyramid and

moving up, the levels are, underlying conditions, international environment, states, organization,

and leadership.   While US policy makers assert that this pyramid provides a basis for

understanding the essence of terrorist structure, the NSCT also suggests that terror organizations

also have adapted and are adapting to the changing international environment. This is evident in

organizations such as Al-Qaeda, which has morphed and become more decentralized, with

highly autonomous cells.[12] With this in mind, US policy makers must also adapt US policies to

contend with changes in terrorist methods. These changes should include negotiations as a

means to support the long term viability of US National Strategy.

Notes
[1] P. H. Liotta, "Chaos as Strategy," *Parameters, US Army War College Quarterly* (2002).

Notes

[2] Ibid. p. 1

[3] Bush, "The National Security Strategy of the United States."

[4] Air Command and Staff College, "National Security Coursebook," ed. Department of International Security and Military Studies (Air University Press, 2005 (Academic Year)).

[5] Bush, "The National Security Strategy of the United States."

[6] The White House, "National Strategy for Combating Terrorism," (The White House, 2003).

[7] Ibid. p. 17

[8] Ibid. p. 23

[9] Ibid. p. 24

[10] Ibid. p. 2

[11] Ibid. p. 6

[12] Ibid. p. 7

Is the current policy a viable long term solution to combating terror, or a stop gap?

The US's current strategic approach to combating terrorist organizations portends marginal interim viability and lacks long term sustainability. The US financial expenditures for military operations, coupled with questionable effectiveness, are not cost effective when compared to low cost and high-yield effect of terrorist actions. Current terrorists do not operate in a static environment. Their relatively small size and lack of bureaucratic pretense, combined with their ability to morph and adapt to global perturbations, synergistically enhances the effectiveness of their operations.[1] In his 16 October, 2003 Memorandum, Secretary of Defense, Rumsfeld asked the following questions:

> "Today, we lack metrics to know if we are winning or losing the global war on terror. Are we capturing, killing or deterring and dissuading more terrorists every day than the madrasas…?"

> Does the United States need to fashion a broad, integrated plan to stop the next generation of terrorist? The United States is putting relatively little effort into a long-range plan, but we are putting a great deal of effort into trying to stop terrorists. The cost is billions against the terrorists' millions."[2]

In light of this, the United States should consider developing a broad, integrated plan which incorporates all of the capabilities within its quiver, to include negotiations, when appropriate. Through the appropriate application of all available resources against appropriate actors and targets, the likelihood of success increases. In contrast, by not using all "tools of statecraft", to include negotiations where appropriate, the US is effectively handicapping itself, reducing the size of its strategic arsenal, and thereby eliminating viable options. [3]

General Anthony Zinni, former CENTCOM commander, fashioned the concept of a commander having a tool belt comprised of tools (warfighting capabilities) and each had its

appropriate use.[4] In much the same way, the US's NCA possesses a tool belt of capabilities with which to implement its vital concerns and defeat strategic threats. Negotiation is a tool on the US's tools belt and when applied to the proper circumstance, with the appropriate expertise, it can be just as effective as applying direct attack munitions.

Most recently, the US has expressed serious concerns against Iran possessing heavy water nuclear reactors, with which it can then produce weapons grade nuclear material.[5] The US has not ruled out military action, however, under the circumstances, it is unlikely that military action will be employed due to lack of support from European allies, present commitments in Iraq, and Russian economic interests in developing Iran's nuclear capability.[6] During a September 2004, joint hearing of both the Subcommittee on Europe and Subcommittee on International Terrorism, in which members of the United Kingdom's parliament attended, Representative Wexler identified Iran's nuclear program as the "world's biggest threat".[7] He indicated that, "While the US is prepared to take this issue to the U.N Security Council and threaten sanctions against Tehran, our European allies wish to continue with *negotiations* and revisit the issue in November."[8] Representative Jo Ann Davis added, in order "To be successful, the entire toolbox of policy as noted by the 9/11 Commission must be utilized."[9]

In this situation, the US is clearly using its European allies (Britain, France, and Germany) as third party negotiators (arbitrators) between the US and a recognized state sponsor of terrorism, Iran.[10] At present, the US has stated that it will lift objections to Iran's application to the World Trade Organization (WTO), as well lift objections to the licensing of spare parts for commercial airliners, if Iran provides guarantees that it will not continue to pursue the enrichment of uranium.[11]/[12] Former Secretary of State Schultz, also concludes that "Strength and diplomacy [negotiations]: they go together. They are not alternatives; they are complements."

Furthermore, he points out that "nine months of intense negotiations involving the United States [under Pres. G. W. Bush] and Great Britain succeeded with Libya…" which is internationally acknowledged as a sponsor of terrorism.[13] These are lucid modifications in current US policy. US stated policy as outlined in the NSS, stipulates that the "United States will make no concessions to terrorist demands and strike no deals with them. We make no distinction between terrorists and those who knowingly harbor or provide aid to them."[14] As in this circumstance, the appropriate use of negotiations provides a viable option when other options may be untenable or unfeasible. But this entreats the question, "can this approach be applied on a larger scale to the war on terror?" I believe the answer lies in knowing your enemy and understanding the art and science of negotiations.

Notes

[1] Richard E. Hayes, "Negotiating the Non-Negotiable: Dealing with Absolutist Terrorists.," *International Negotiation* volume 8 (2003).

[2] Ling Wee (LtCol Lee, Singapore, Air Force), "War against Global Terrorism: Winning the Hearts, Minds, and Souls of the Muslim World," ed. Chairman of the Joint Chief of Staff (National Defense University Press, 2004).

[3] White House, "National Strategy for Combating Terrorism."

[4] Anthony C. Zinni, "AFA Symposium Presentation by, Gen. Anthony Zinni, CENTCOM Commander" (paper presented at the AFA Warfare Symposium, 2000).

[5] BBC News, *Bush Backs Diplomacy with Tehran* (BBC UK, 2005 [cited 12 March 2005]); available from http://newsvote.bbc.co.uk.

[6] BBC News, *Iran Spurns European Reactor Deal* (BBC News UK, 2005 [cited 12 March 2005]); available from http://newsvote.bbc.co.uk.

[7] Joint Hearing of The Subcommittee on Europe and The Subcommittee on International Terrorism, *Capitol Hill Hearing*, 14 September 2004.

[8] Ibid. p. 4

[9] Ibid. p. 2

[10] News, *Bush Backs Diplomacy with Tehran* ([cited).

[11] Ibid.([cited).

[12] News, *Iran Spurns European Reactor Deal* ([cited).

[13] George P. Shultz, "A Changed World," (Foreign Research Policy Institute, 2004).

[14] Bush, "The National Security Strategy of the United States."

Negotiations – Knowing who is across the table

"Though this be madness, yet there is method in it." William Shakespeare wrote these words in "Hamlet" over 400 years ago in 1601, and today they still resonate with truth.[1] Many of the acts committed by terrorist organizations, such as the 1983 Hezbollah bombing of the US Marines Barracks in Lebanon or the more recent 1998 Al Qaeda bombing of US embassies in Kenya and Tanzania, are impetuously assessed by the populace as irrational acts.[2]/[3] However, after the bombing in Lebanon, the US removed troops from the area, and after the embassy bombings, the US also reduced its presence in both countries. Terrorist organizations that sponsor such actions seek to communicate their presence and positions to the world at large and to their target audience. In this way, their actions encapsulate their political and ideological druthers beneath a seemingly radical and irrational motif. Clausewitz might postulate that their actions are merely an extension of politics by other means. This does not suggest that acts of terror are summarily justified, but rather, that their methods are not as irrational as they may initially appear. Hence, it follows that if terrorists are rational, they can be engaged in negotiations.

Rational actors assess the benefits and costs of their alternatives prior to selecting a course of actions that offers the highest expected return.[4] Irrational actors forgo this assessment and appear, at least on the surface, to be impervious to reason.[5] Irrational actors are often impulsive and inconsistent with what would appear to be in their best interest. Initially, it would appear that "suicide bombers" fit within this model.[6] But then so would Japanese Kamikaze pilots of WWII. These individuals seek not only to take "suicidal" risks to achieve their goals, they are also prepared to kill themselves as a sign of their resolve.[7] Noted Russian terrorist Sergius

Stepniak wrote, "Is noble, terrible, irresistibly fascinating, uniting the two sublimities of human grandeur, the martyr and the hero."[8] The result is a threat which appears impossible to deter or defend against.[9] This is an effective misperception that communicates an illusion of impermeability, which terrorist organizations wish to convey. These actions, at the artifact and behavior level (Appendix, Figure 1.), cultivate an image of determination and strength which signal to the intended audience, that the group is disciplined and dedicated.[10] This motif is leverage at the bargaining table. Terrorist organizations seek to leverage image as an effective counterweight to the state or states they intend to influence.[11] Through employing this model of behavior, terrorist groups emulate irrational behavior in order to obtain very rational ends.[12]

Having said this, not all terrorist organizations are the same. All too often terrorist organizations are viewed as a single federation whose actions can be summed in the logic of cause followed by effect.[13] This thinking represents an extreme over simplification, to which greater distinction must be applied. Although their actions may have notable similarities, their underlying assumptions may be very different.[14] This dichotomy is often amplified when in the course of negotiations, concessions are granted. The response of each organization will be determined by their organizational culture. Within the construct of this culture, their response is less likely to be predicated on readily observable artifacts or behaviors, but rather, their beliefs and cultural underlying assumptions. In these situations, concessions may not provide the intended results due to the correlation between a group's progress in obtaining its objectives through peaceful means and its limited divergence from violence.[15] In essence, this indicates that terrorist groups that were not able to meet their objectives peacefully, but rather received concession after their terrorist acts, were more likely to view concessions as the result of their violence. This was the case, when after the death of Spain's dictator, Franco, the military faction

of the terrorist organization Euskadi ta Askatasuna (ETA) continued their string of terrorist acts, even after the Spanish government provided concessions regarding self-rule in the Basque region of Spain.[16] In contrast, the terrorist organization, Liberation Tigers, located in Sri Lanka, agreed to a negotiated cease fire in exchange for government concessions regarding regional decision making authority.[17]

The prevailing types of terrorist organizations can be generally characterized into two main groups, contingent and absolutist terrorist organizations. [18] These designations should not be viewed as distinct and discrete groups but rather a continuum of sorts, in which there is a sliding scale that incorporates grey areas. The fundamental differences between absolutist and contingent terrorists are that absolutists have less tangible goals, they are unlikely to negotiate, their organizations rely heavily on the use of technology and global networks, and they have a tendency to be well founded in religious fundamentalism.[19]

Contingent terrorists seek to publicize what they perceive to be a just cause in order to win supporters.[20] Their use of terror facilitates the use of others' lives as bartering chips in exchange for currency or other goals.[21] This type of act was characterized by the Iraqi terrorists who abducted the Italian journalist, Giuliana Sgrena, on 4 February, 2004 and subsequently released her after a suspected ransom was paid by the Italian government.[22] Hence, contingent terrorists have an incentive to target narrowly, rather than broadly, and to avoid mass killings that may deprive them of support.[23] Contingent terrorists are seeking to negotiate and receive the full price for their hostages. The hostages are viewed as capital that can be realized through the course of negotiations.[24]

Absolutists do not share the same constraints as contingent terrorists. Their plans routinely include suicide attacks, in part because this approach constitutes the path to a religious afterlife,

and partly because they view those who are not part of their movement as an enemy.[25] The absolutist strategy is exemplified by the phrase: "unlimited ends leads to unlimited means."[26] This indicates that the demands and goals of transnational terrorist organizations have become less attainable, even as they have organized themselves into networks that rely on global transportation, finance, and communications systems.[27] In most cases, absolutist terrorists are beyond dissuasion and negotiation.[28] Their purposes are designed to be broad in nature. As such, they do not lend themselves to negotiations. The act of negotiating and the associated compromises are likely to be viewed as counter productive to the terrorists overall purpose. Negotiations may also be seen as an attempt to degrade their source of power in an asymmetrical situation. [29] Attempts to negotiate with absolutist terrorists, in most cases, only encourages further acts of terror.[30] At the belief level of their organizational structure, absolutists have as part of their belief system, a view that their actions are justified due to power that comes from god (in the case of fundamentalist), from ideology (as in the case of revolutionist), or from a belief that the world has wronged them (nationalist) and therefore affords them the right of their actions.[31]

At the nexus of the contingent and absolutist terrorists, are the contingent-absolutists terrorists.[32] These organizations have potential negotiating points, such as territory and independence, yet they also exercise suicide tactics as a means of flexing their ability and capability.[33] Contingent-absolutists are not contingent terrorists, they do not seek to negotiate as part of their act, and their tactics are not divisible into parts, such as obtaining hostage capital, obtaining currency, and then utilizing the hard currency.[34] However, their demands may be negotiable. In considering negotiations with contingent-absolutists, a distinction must be made between the terrorist agent and the terrorist organization.[35] The agents may retain absolutist

characteristics, while the organization retains partial absoluteness, or vice-versa. This provides potential negotiators an opportunity to divide the terrorists, by pulling the contingents and conditional-absolutists away from the absolutists, and thereby gain leverage within the negotiations.[36]

However, terrorist organizations would not be able to survive and thrive if it were not for state sponsors. State sponsors of terrorism are key enablers for terrorist organizations in that they provide safe havens for terrorists to train, organize, and develop additional bases of support.[37] In some cases, state sponsors provide documents, weapons, and funds to support terrorist organizations.[38] Because states are subject to more rigorous scrutiny by the international community, and they seek to maintain their respectability and sovereignty, they often cover their actions in a shroud of deniability. [39] Rather than directly supporting the terrorists, they will align themselves with organizations which have similar goals as that of the state.[40] However, states such as North Korea, and Libya, have employed agents of their national governments to conduct direct terrorist attacks against potential or identified adversaries.[41]

Notes

[1] Bruce Hoffman, "Terrorism, Signaling, and Suicide Attack," *Studies in Conflict and Terrorism* 27, no. 4 (2004).

[2] Hayes, "Negotiating the Non-Negotiable: Dealing with Absolutist Terrorists."

[3] Council On Foreign Relations, *Hezbollah (Lebanon, Islamist)* (2005 [cited 12 March 2005]); available from http://cfrterrorism.org/groups/hezbollah.html.

[4] Hoffman, "Terrorism, Signaling, and Suicide Attack."

[5] Ibid. p. 250

[6] Ibid. p. 250

[7] Ibid. p. 250

[8] Air Command and Staff College, "National Security Coursebook."

[9] Hoffman, "Terrorism, Signaling, and Suicide Attack."

[10] Ibid. p. 250

[11] Ibid. p. 250

[12] Ibid. p. 249

[13] Smelser, "Terrorism: Perspectives from the Behavioral and Social Sciences."

[14] Air Command and Staff College, "Leading for the Long Haul (Lecture Lc-525)," ed. DEC- ACSC Leadership Studies Department (2004).

Notes

[15] Air Command and Staff College, "National Security Coursebook." p. 182

[16] Fernando Reinares, "Democratic Regimes, Internal Security Policy and the Threat of Terrorism," *The Australian Journal of Politics and History* 44, no. 3 (1988).

[17] Air Command and Staff College, "National Security Coursebook."

[18] Zartman, "Negotiating with Terrorist."

[19] Hayes, "Negotiating the Non-Negotiable: Dealing with Absolutist Terrorists."

[20] Zartman, "Negotiating with Terrorist."

[21] Ibid. p. 446

[22] Flavio America Reis, *Italian Journalist Freed in Iraq Is Nearly Killed by Friendly Fire* (2005 [cited 12 March 2005]); available from http://www.worldpress.org.

[23] Hayes, "Negotiating the Non-Negotiable: Dealing with Absolutist Terrorists."

[24] Zartman, "Negotiating with Terrorist."

[25] Hayes, "Negotiating the Non-Negotiable: Dealing with Absolutist Terrorists."

[26] Zartman, "Negotiating with Terrorist."

[27] Hayes, "Negotiating the Non-Negotiable: Dealing with Absolutist Terrorists." p. 458

[28] Zartman, "Negotiating with Terrorist."

[29] Ibid. p. 446

[30] Ibid. p. 446

[31] Ibid. p. 446

[32] Ibid. p. 446

[33] Ibid. p. 446

[34] Ibid. p. 447

[35] Ibid. p. 447

[36] Ibid. p. 447

[37] Hayes, "Negotiating the Non-Negotiable: Dealing with Absolutist Terrorists."

[38] Ibid. p. 458

[39] Ibid. p. 458

[40] Ibid. p. 458

[41] Ibid. p. 458

Negotiating – The Game

Game theory simply applied, infers to provide possible outcomes of one actor's actions or decisions as they relate in a definite way to the actions or decisions of others.[1] Game theory supposes a considerable degree of rationality on the part of all players in the game. With this in mind, it has been previously established that terrorists and states are rational actors. Through the lenses of game theory, terrorism can be viewed as part of a game in which (rational) terrorist actors communicate signals via their terrorist acts.[2] However, in order for most terrorist organizations to remain viable players in the game, they must maintain a minimum level of anonymity and a minimum "violent presence" in order to maintain their leverage.[3]

Game theory suggests that when analyzing negotiations between a state and a terrorist organization (it is assumed that the negotiating terrorist represents the views of the larger organization), the state should conduct both a Descriptive theory analysis and a Prescriptive theory analysis. The Descriptive theory analysis analyzes how terrorists have acted in past similar situations, based on empirical data. Prescriptive theory analysis indicates how to make better choices and incorporates a baseline of Descriptive data.[4] Because terrorists are rational actors, it must be construed that they are performing similar analysis, using similar theories. These theories are referred to as the Asymmetrically Prescriptive-Descriptive approach to negotiations.[5] When using this model, a sound descriptive term must first be developed. This involves the development of databases which incorporate perceived uncertainties, accumulated evidence, coefficients of learning and adaptability, assessments of reasoning capacity, and updated prescriptive analysis.[6] This information is gathered from historical records, political scientist, and social scientist.[7] The information is assimilated using systems analysis techniques

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for modeling complex systems.[8]   Sound prescriptive analysis should ideally have reliable descriptive data as its foundation. As such, prescriptive analysis considers many of the same elements of descriptive analysis and utilizes similar computational techniques.   However, Prescriptive analysis differs in that they consider the "what if factor". In considering the "what if", Prescriptive analysis highlights new areas for Descriptive study and development.[9]

As in any game, there are actions, reaction and counter-actions, within a single round of negotiations. During negotiations, opponents try to defeat the mentality and logic of their opponents. In the longer term, game participants must develop and implement new strategies in order to remain viable players in the game. In this game, rigidity is not an option, if the goal is to stay in the game.[10] The systematic use of suicide attacks is one way terrorists attempt to resolve the dilemma that faces all terrorist groups at the beginning of the game. They must appear to better than they are, in order to remain in the game long enough to develop into a credible long-term threat.[11]

Negotiating with some terrorist organizations is possible, but negotiations must be conducted within established limits of the State's interests and must be perceived by the terrorists to be within their interest. Limits must take into account the distinction between absolutist and contingent terrorists, and the strategies and capabilities available to them in the course of negotiations.[12] The individual negotiator must be savvy in the art and science of negotiation, and possess the complete backing of his state for what he has been charged to accomplish. The task of the negotiator is to employ the negotiations process as a weapon which is utilized in overcoming the adversary's defenses. The lethality of the weapon resides in the negotiator's ability to out strategize his adversary, and mentally maneuver beyond the current situation and the adversary's current proposal. The framework for success is laid well before negotiations

ever actually occur. Understanding the situation from the adversary's perspective is critical to developing a descriptive game model which will be useful for postulating the maneuver space of the opponent.[13] Developing and incorporating such models in the negotiations process is the science of negotiating the game. Once this is achieved, concessions must be developed which minimize the terrorist's gains and maximizes the state's.

If significant substantive concessions are rendered by legitimate authorities, some terrorist organizations, such as contingent and contingent-absolutist, are likely to perceive that they are the result of terrorist pressure, as in the earlier mention case of ETA.[14] Terrorists may also feel compelled to attack those who have facilitated the negotiated settlement.[15] Therefore, concessions must be carefully metered. Substantial concessions increase the probability that similar attacks may occur against the same target or against similar targets, either from the same group or new groups.[16] The likelihood of this occurring increases exponentially if news of the concessions is publicly disseminated.[17] However, if the terrorists concede, what is perceived to be too much, they may loose their base of support, their position, and possibly their lives. In this case, the terrorist leaders may no longer be viewed as representing the interest of the organization or having their best interests at heart. Hence, terrorist negotiators are seeking to minimize their proposed concessions, while maximizing their greatest possible returns. Using this approach, they are seeking to maximize the marginal utility of choices within the framework of negotiable items. As negotiations extend, this paper contends that the point of marginal utility will shift as a function of time, fx(t) due to offers and counter-offers which are exchanged as part of the dynamics of negotiations. This paper proposes to use the mathematical framework for describing and maximizing preferences, and adapt this model to describe the basics of

negotiations. This model is proposed as a complement to the Asymmetrically Prescriptive-Descriptive approach and not a replacement.

The proposed model aims to achieve the most amiable level of feasible data sets in which (x,y) – concessions, are evaluated in two party negotiations. The constraints of this model, at a minimum, include limited finances, limited time, and limited available information, which are represented via a graphical depiction that I have termed as the "Line of Negotiation", (Appendix, Figure 3.).[18]

The Line of Negotiation consists of all possible combinations of concessions (x, y), where n=1, from x_n, x_{n+1}, $x_{n+2...}$, which are concessions from the terrorists, and y_n, y_{n+1}, $y_{n+2...}$, which are concessions from the state. In short, this line represents what a particular side can afford in terms of giving and accepting concessions. These comprise the total sum of concessions that are on the table and available for each side to negotiate, as perceived by a single side. This implies that the terrorists and the state may have differing Lines of Negotiation based on what they can afford. What each side can actually afford, is not likely to be divulged to the opposing side, unless truly necessary, if at all. The equation which represents the Line of Negotiations is $X(Py_n + Py_{n+1} + \ldots) + Y(Px_n + Px_{n+1} + \ldots) = M$. Where X is the number of acceptable concessions from the state, $X = (y_n + y_{n+1} + \ldots)$ as viewed by the terrorists, and Y is the number of acceptable concessions from the terrorists, $Y = (x_n + x_{n+1} + \ldots)$ as viewed by the state. Where Py_n is any perceived value (1 thru 10) of state concession y_n, Px_n is the perceived value (1 thru 10) of terrorist concession x_n, and where M is the maximum feasible negotiable capital. The axis's of the graph are labeled x and y.

Once the Line of Negotiations has been plotted, it will aid in identifying an entry point from which to establish a baseline negotiating position based on proposed concessions and the value

of anticipated counter-concessions, as perceived by the actor compiling the data. In practice, the graphical depiction provides a plot point which indicates the feasibility of a particular combination of concessions (X,Y). Any plot points "A", below the Line of Negotiations, are potential feasibly solutions, any points "B", on the Line of Negotiation is potentially feasible, but will require all of your negotiating capital, and any points "C", are unattainable given the identified constraints.[19]

Tools such as the Asymmetrically Prescriptive-Descriptive theory and the Line of Negotiation, attempt to provide some structure to the science of negotiations, while incorporating some aspects of the art of negotiations. However, these tools are only as effective as those who employ them. As with any capability, the users must be well trained in the proper usage and limitations of the capabilities, in order to employ them with maximum effectiveness and efficiency.

Notes

[1] Kremenyuk, *International Negotiation: Analysis, Approaches, and Issues*. p. 202
[2] Hoffman, "Terrorism, Signaling, and Suicide Attack."
[3] Ibid. p. 245
[4] Kremenyuk, *International Negotiation: Analysis, Approaches, and Issues*.
[5] Ibid. p. 13
[6] Ibid. p. 12
[7] Ibid. p. 12
[8] Ibid. p. 12
[9] Ibid. p. 14
[10] Bruce Schneier, "Beyond Fear: Thinking Sensibly About Security in an Uncertain World," (New York Springer-Verlag New York, 2003).
[11] Hoffman, "Terrorism, Signaling, and Suicide Attack."
[12] Zartman, "Negotiating with Terrorist."
[13] Kremenyuk, *International Negotiation: Analysis, Approaches, and Issues*.
[14] Hayes, "Negotiating the Non-Negotiable: Dealing with Absolutist Terrorists." p. 456
[15] Ibid. p. 456
[16] Ibid. p. 456
[17] Ibid. p. 455
[18] The Short Run, *The Consumer Problem* (2005 [cited 14 March 2005]); available from http://www.theshortrun.com/classrom/tutorial/intmicro/consumer%20problem.htm.
[19] Ibid.([cited). P. 1

Negotiating with Al Qaeda

Having considered a spectrum profile of terrorist organizations and the "gaming" theory of negotiations, it is useful to consider if negotiations are appropriate when applied to the United States' most likely terrorist adversary, Al Qaeda. Al Qaeda has evolved as the world's premier resistance movement to the United States and the Western world.[1] Their primary issues in regards to the US and Western society is the US presence in their holy land of Saudi Arabia, US support for Israel and its politics toward Palestinians, and finally the US's overwhelming economic influence.[2] In considering negotiations with Al Qaeda, it must be recognized that the organization is considered to be absolutist, with fringe elements of contingent-absolutist terrorists.[3] This implies that Al Qaeda members are less likely to negotiate, which further complicates the art and science of formulating segways for negotiations. However, the art of negotiations is to achieve what is in "your" best interest, despite, your adversary's reluctance. In the case of absolutist terrorist organizations, which are reluctant to engage in negotiations, the key is to identify a vulnerable point in the organization, such as a cell of contingent-absolutists, which may be disgruntled or dissatisfied with the organization. These persons or elements represent a point of weakness in the organization that may be exploited.[4] However, it is difficult to gain clandestine access into terrorist organizations such as Al Qaeda. Their tight internal security which is based on family, clan, or tribe affiliations, provides a formidable defense to outsiders.[5]   To this end, negotiations can not be the only tool used. It must be synergistically employed as part of a comprehensive campaign to include international police work, global intelligence services, high technology to track and monitor activities, and individual incentives for cooperation. Once a terrorist has been identified and targeted for potential negotiations or

subsequently captured, the negotiation process can be initiated. At this point negotiators should have Asymmetrically Prescriptive-Descriptive analysis models and predetermined Lines of Negotiation data from which to gauge their baseline negotiating position and assess the position of the terrorists. Negotiations are often fluid and may veer in directions which are non-productive. This data will assist in maintaining focused negotiations and serve to bench mark progress after the first round of negotiations are completed.

The Italian government initiated a law directly addressing negotiations with terrorists. The law was referred to as the "Repentant Terrorist Law", which was aimed at Red Brigade members who the Italian government apprehended and identified as contingent-absolutists. Documented evidence suggests that implementation of the "Prisoner's Dilemma" Game Theory model was successfully applied. First, prisoners were propositioned with relatively sizeable rewards for cooperating, in contrast to the extreme punishments for reluctance. Next, communications amongst imprisoned terrorists was restricted, and finally, indiscriminate recruiting fostered mistrust amongst the prisoners. This approach enabled the Italian government to gain critical intelligence and ultimately dissolve the Red Brigade.[6] However, the correct timing of negotiations was critically important. Terrorists had to be apprehended and propositioned at a time when they began to question the authority or validity of their terrorist organization's actions and when the government was predisposed to offering such concessions.[7] Programs such as this can be effective, but implementers of such programs must first understand their adversary, as well as, clearly identify stated goals and objectives. These goals and objectives are then used to determine the appropriate approach and proper application of negotiation theory which will best facilitate the desired outcome. This implies that there is no single solution which spans all situations involving negotiations with terrorists or their organizations. Therefore, each situation

must be negotiated based on its merits. However, before negotiations are undertaken, the

underlying policies and policies implications must be understood.

Notes

[1] Air Command and Staff College, "National Security Coursebook."
[2] Duyvesteyn, "How New Is the New Terrorism?"
[3] Hayes, "Negotiating the Non-Negotiable: Dealing with Absolutist Terrorists."
[4] Ibid. p. 464
[5] Ibid. p. 464
[6] Ibid. p. 454
[7] Reinares, "Democratic Regimes, Internal Security Policy and the Threat of Terrorism."

Policy Implications

If negotiations are deemed appropriate by the state, the impact of such negotiations must be viewed in light of current policies and long term-political implications. The United States' current stated policy is that it does not negotiate with terrorists or terrorist organizations, nor does it negotiate with states that sponsor terrorism. However, recent events such as the earlier mentioned negotiations with Iran, and the recently proposed six party talks with North Korea, have unofficially added a new dimension to the stated policy of not negotiating with terrorists.

However, this approach should be taken one step further, to include negotiations with terrorist actors and organizations as part of an integrated long-term approach to defeating terrorism. What is being suggested is the development of legislation which permits decision makers the discretion to negotiate with terrorists, when deemed in the best interest of national security. What is not being proposed is a publicly stated policy that the United States, is willing to negotiate with terrorists. If a stated policy of negotiations were disseminated domestically and internationally, much of the policy's viability would be hampered due to a loss of credibility amongst US citizens and US allies. Furthermore, an open declaration of negotiating with terrorists may signal to terrorists, and potential terrorists, that the United States is vulnerable to unfettered coercion and may indirectly invite a new wave of terrorist attacks. This in essence would open Pandora's Box and present a more critical situation than the US currently faces.

Having an unstated policy of negotiations with terrorists permits the US the option of using the carrot and stick approach, without the direct scrutiny of the US public or the international community. This also provides the discretion and security required to develop long-term programs in which reformed terrorists, can be negotiated with, and used in long-term projects to

infiltrate terrorist cells. Furthermore, negotiations foster communications between the terrorists and his adversary. This communication provides insight into the underlying ideology of the terrorists or terrorist organizations. This information is useful in developing approaches to win the hearts and minds of terrorists and possibly create fractures within terrorist organizations.

Officials in Yemen, instituted a policy of negotiating with terrorists, as a means to win the hearts and minds of captured Al Qaeda members. Judge Hamoud al-Hitar, challenged five prisoners to a theological contest (game theory) in which he stated, "If you can convince us that your ideas are justified by the Koran, then we will join in your struggle. But, if we succeed in convincing you of our ideas, then you must agree to renounce violence."[1] The prisoners agreed to the terms and engaged in the dialogue. As of February 2005, over two years since the negotiations, not only have the five initial prisoners been released, but over three hundred and sixty-four men have participated in the dialogue and have also been released.[2] Subsequently, there have been no terrorist attacks in Yemen, which had previously become a haven for terrorist activity. When asked to comment on the success in Yemen, noted specialist in Yemeni Affairs, Charles Schmitz of the Jamestown Foundation, stated, "Yemeni goals are long-term political aims whereas the American agenda focuses on short-term prosecution of military or law enforcement objectives."[3] Judge Al-Hitar attributes his success to approaching the issue of terrorism logically, he stipulates that, "It's only logical to tackle these people [terrorists] through their brains and hearts."[4]

Instituting an unstated policy of negotiating with terrorists and terrorists organizations permits the US the opportunity to develop and tailor programs similar to Yemen's, which will directly challenge the hearts and minds of terrorists and over the long-term. This approach has

the potential to serve as a viable facet of the Untied States arsenal in the fight against terrorism as

foreshadowed in Yemen and previously mentioned, Italy.

Notes

[1] James Brandon, "Koranic Duels Ease Terror," *Christian Science Monitor*, 4 February 2005.

[2] Ibid. p. 2

[3] Ibid. p. 3

[4] Ibid. p. 2

Conclusion

Negotiating with terrorists provides a long-term approach to defeating terrorism and does not promise a rapid solution. As part of a comprehensive national security strategy which employs all facets of the United States' instruments of power, negotiating with terrorists provides a non-kinetic option which has the potential to disrupt, divide, and facilitate the ultimate demise of terrorists and their organizations. In implementing such a policy, the domestic and international context in which the policy is implemented, must be taken into account. An unstated policy of negotiating with terrorists provides less domestic and international resistance, while permitting the US to adjust policies as necessary to facilitate the intended endstate.

However, such a policy is not without risks. If the policy is not properly managed, through over use or improper use, the efficacy of the policy will be jeopardized. Furthermore, the international political ramifications may be costly, if the US is seen as inconsistent, in applying its stated policy of not negotiating with terrorists. This provides a conundrum for the President and his senior advisors.

Yet, despite these challenges, the battle against terrorism continues to be waged in the US and abroad. It is important to keep in mind that military and economic resources alone are not sufficient to prevail in long-term fight against terrorism. However, an unstated policy of negotiations provides an avenue to those within terrorist organizations who seek to reform. If this policy succeeds in removing one terrorist from the battlefield, in the same instance, it provides the opportunity to influence the hearts and minds of countless others, through the one who was reformed.

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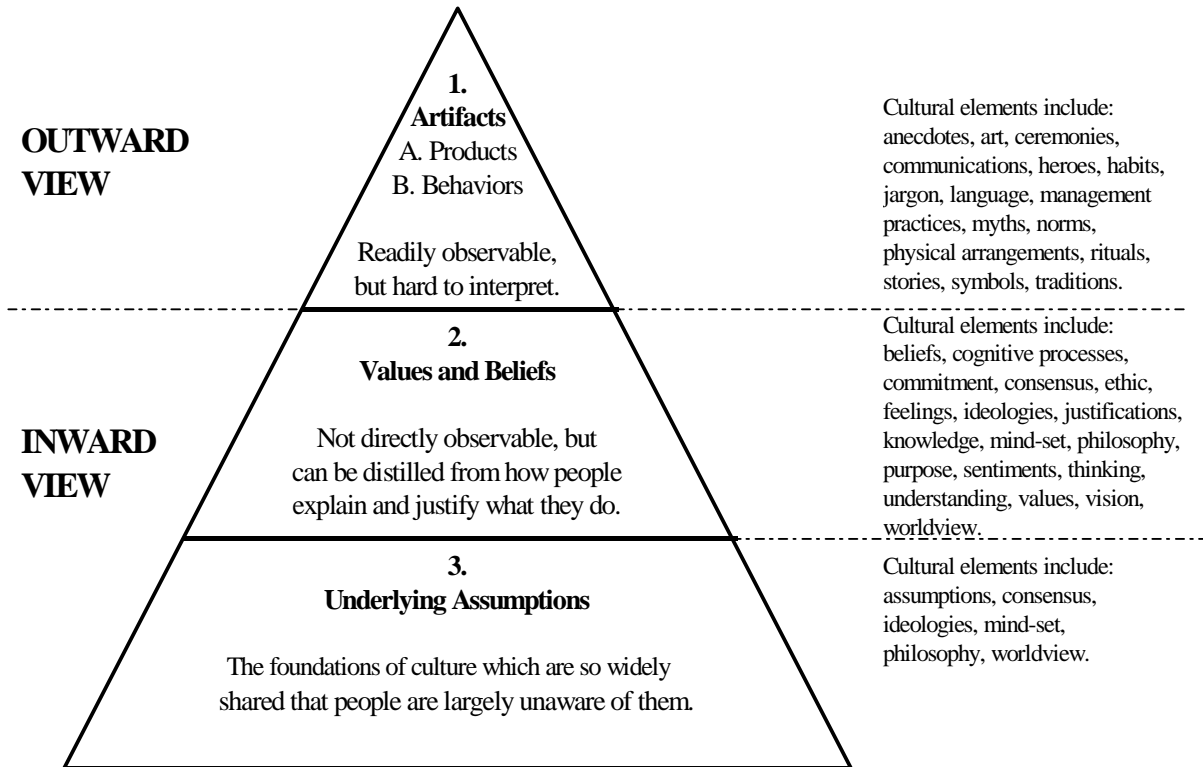
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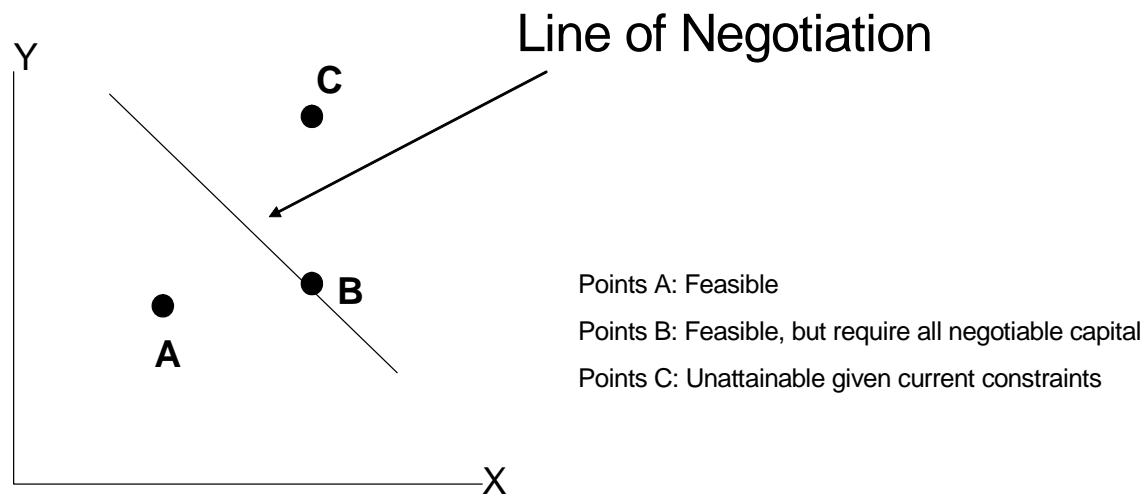
APPENDIX

Organizational Culture

OUTWARD
VIEW

1.
Artifacts
A. Products
B. Behaviors

Readily observable,
but hard to interpret.

Cultural elements include:
anecdotes, art, ceremonies,
communications, heroes, habits,
jargon, language, management
practices, myths, norms,
physical arrangements, rituals,
stories, symbols, traditions.

INWARD
VIEW

2.
Values and Beliefs

Not directly observable, but
can be distilled from how people
explain and justify what they do.

Cultural elements include:
beliefs, cognitive processes,
commitment, consensus, ethic,
feelings, ideologies, justifications,
knowledge, mind-set, philosophy,
purpose, sentiments, thinking,
understanding, values, vision,
worldview.

3.
Underlying Assumptions

The foundations of culture which are so widely
shared that people are largely unaware of them.

Cultural elements include:
assumptions, consensus,
ideologies, mind-set,
philosophy, worldview.

Figure 1. Organizational Cultural Model
[Based on Schein (1985) and Ott (1989). In *Total Quality Management*, Bounds et al, 1994, 102.]

Figure 2. White House, "National Strategy for Combating Terrorism." P. 6

Line of Negotiation

Points A: Feasible

Points B: Feasible, but require all negotiable capital

Points C: Unattainable given current constraints

X = number of acceptable state concessions

Y = number of acceptable terrorist concessions

Pxn = value of terrorist concessions

Pyn = value of state concessions

M = Maximum feasible negotiable capital

LON = X (times sum of Py(n)+ Py(n+1), …) + Y (times sum of Px(n) + Px(n+1), …) = M

Figure 3.